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 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

DON C. BENNETT, COMERLIS
 DELANEY, GARY ROBINSON, DARREN
 SCOTT, JON HOTZLER, GARY CHARLES
 BACKLUND, and JOSE D. VALDEZ, on
 behalf of themselves and all others similarly
 situated,

Plaintiffs,

v.

SIMPLEXGRINNELL LP,

Defendant.

Case No. 11-1854 JST (NJV)

**STIPULATION AND ~~PROPOSED~~ ORDER
 REGARDING EXPERT DISCOVERY,
 FACT DISCOVERY, MOTION
 SCHEDULES, AND MEDIATION**

Complaint Filed:	04/18/2011
First Amended Complaint Filed:	06/27/2011
Second Amended Complaint Filed:	06/26/2012
Third Amended Complaint Filed:	07/17/2013
Fourth Amended Complaint Filed:	05/02/2014

Trial Date:	None Set
Judge:	Honorable Jon S. Tigar

1 WHEREAS, on June 9, 2014, the Court issued its Order (Document 224) granting in part
2 and denying in part SimplexGrinnell's Motion to Enforce a Court Order (Document 204), striking
3 Dr. Robert Fountain's Second Revised Report and providing that Plaintiffs could serve a third
4 revised report by Dr. Fountain, as such report was limited in the Order;

5 WHEREAS, Plaintiffs informed SimplexGrinnell that Dr. Fountain could not serve his third
6 revised report until June 30, 2014, and did serve the revised report on June 30, 2014 for next-day
7 delivery to SimplexGrinnell;

8 WHEREAS, SimplexGrinnell needs sufficient time to review and analyze Dr. Fountain's
9 revised report;

10 WHEREAS, SimplexGrinnell intends to take Dr. Fountain's deposition concerning his
11 revised report;

12 WHEREAS, SimplexGrinnell intends to serve a rebuttal to Dr. Fountain's revised report;

13 WHEREAS, Plaintiffs intend to take the deposition of SimplexGrinnell's rebuttal expert;

14 WHEREAS, the new Plaintiffs, Gary Charles Backlund and Jose D. Valdez, served written
15 discovery responses which were predicated, in part, upon Dr. Fountain's now stricken Second
16 Revised Report;

17 WHEREAS, on June 11, 2014 and June 12, 2014, respectively, SimplexGrinnell took the
18 depositions of Plaintiff Backlund and Plaintiff Valdez; however, a dispute arose as to whether
19 SimplexGrinnell may resume the depositions following service of Dr. Fountain's revised report;

20 WHEREAS, the parties will use the additional time requested herein to resolve the dispute
21 concerning the depositions of Plaintiff Backlund and Plaintiff Valdez;

22 WHEREAS, the parties have agreed to attend a mediation with Mark Rudy, Esq. on
23 October 28, 2014;

24 WHEREAS, counsel for the parties have met and conferred and agree that additional time
25 is necessary for the parties to complete expert discovery, to complete discovery as to Plaintiffs
26 Backlund and Valdez, to adequately prepare for dispositive and class certification motions and to
27 participate in a meaningful mediation;

28 WHEREAS, the parties agree upon and propose the following schedule:

- June 31, 2014: Deadline to depose Dr. Fountain (up to seven hours);
- August 10, 2014: Deadline for SimplexGrinnell to serve rebuttal report;
- August 31, 2014: Deadline to depose SimplexGrinnell's rebuttal expert (up to seven hours);
- September 19, 2014: Deadline to complete the depositions of Plaintiff Backlund and Plaintiff Valdez;
- October 2, 2014: Deadline for parties to file dispositive motions, motions relating to class certification, and *Daubert* motions ("Motions");
- November 10, 2014: Deadline to file oppositions to Motions;
- November 21, 2014: Mediation deadline;
- November 24, 2014: Deadline to file replies to Motions;
- December 4, 2014: Hearing on Motions.

IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:

1. Defendant shall have until July 31, 2014 to depose Dr. Fountain for up to seven hours;
2. The deadline for Defendant to serve its rebuttal expert report shall be August 10, 2014;
3. Plaintiffs shall have until August 31, 2014 to depose Defendant's rebuttal expert for up to seven hours;
4. Subject to the parties reaching an agreement, Defendant shall have until September 19, 2014 to complete the depositions of Plaintiff Backlund and Plaintiff Valdez;
5. The deadline for all parties to file dispositive motions, motions relating to class certification, and *Daubert* motions ("Motions") shall be October 2, 2014;
6. The deadline for filing oppositions to Motions shall be November 10, 2014;
7. The deadline for filing replies to Motions shall be November 24, 2014;
8. The deadline for mediation shall be November 21, 2014;
9. The hearing on the Motions shall be December 4, 2014, or a date thereafter more convenient to the Court.

1 Dated: July 3, 2014

Respectfully submitted,

2 By: /s/ Raymond C. Fay

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Attorneys for Plaintiffs and Proposed Class

15 Dated: July 3, 2014

16 By: /s/ Carolyn B. Hall

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Attorneys for Defendant SimplexGrinnell LP

ATTESTATION

Pursuant to General Order 45(X), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: July 3, 2014

By: /s/ Carolyn B. Hall
Carolyn B. Hall

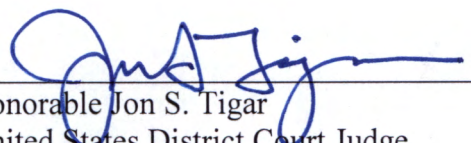
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
Attorneys for Defendant

~~PROPOSED~~ ORDER

Pursuant to the Stipulation of the parties and GOOD CAUSE APPEARING, IT IS SO ORDERED that the Stipulation is accepted by the Court and that the Scheduling Order in this case is revised accordingly.

DATED: _____

July 3, 2014


Honorable Jon S. Tigar
United States District Court Judge

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